

# **Maxims on Names, Identity & Certainty**

**FROM: BLACK'S LAW DICTIONARY (REVISED 4TH ED.)  
& COMMON LAW SOURCES:**

## **SECTION I. / NAME**

**Names are the symbols of things.**

NOMINA SUNT SYMBOLA RERUM  
Black's Law Dictionary (Revised 4th ed.), — Page 1199; Godb.

**Names are the notes of things.**

NOMINA SUNT NOTAE RERUM  
Black's Law Dictionary (Revised 4th ed.), — Page 1199; 11 Coke 20

**A name is, as it were, the note or mark of a thing.**

NOMEN EST QUASI REI NOTAMEN  
11 Rep. 20

**In order rightly to comprehend a thing, inquire first into the names, for a right knowledge of things depends upon their names.**

COGNOSCERE ALIQUID, OPORTET PRIMO INQUIRERE IN NOMINA; NAM RERUM COGNITIO A NOMINIBUS RERUM DEPENDET.

**If you know not the names of things, the knowledge of things themselves perishes; and if you lose the names, the distinction**

**between the things is certainly lost.**

NOMINA SI NESCISS, PERIT COGNITIO RERUM;  
ET NOMINA SI PERDAS, CERTE DISTINCTIO RERUM PERDITUR.,

This maxim traces to classical philosophy & is attributed in its shorter form (“NOMINA SI NESCISS, PERIT COGNITIO RERUM”) to the grammarian Priscian (c. 500 AD). Sir Edward Coke adopted & expanded the maxim in Co. Litt. 86, giving it operative legal force by emphasizing the loss of distinction when names are corrupted or obscured.

**A name is not sufficient if there be not a thing  
[or subject for it] de jure or de facto.**

NOMEN NON SUFFICIT, SI RES NON SIT DE JURE AUT DE FACTO  
Black's Law Dictionary (Revised 4th ed.), — Page 1198; 4 Coke 107b

**Names are mutable, but things are immovable.  
A name may be true or false, or may change,  
but the thing itself always maintains its identity.**

NOMINA MUTABILIA SUNT, RES AUTEM IMMOBILES  
Black's Law Dictionary (Revised 4th ed.), — Page 1199; 6 Coke 66

**The presence of the subject takes away the effect of error in the  
name, and the truth of the name takes away  
the effect of error in the description.**

PRAESENTIA CORPORIS TOLLIT ERROREM NOMINIS, ET VERITAS NOMINIS  
TOLLIT ERROREM DEMONSTRATIONIS  
(Bac. Max. 224)

**The truth of the demonstration removes the error of the name.**

VERITAS DEMONSTRATIONIS TOLLIT ERROREM NOMINIS  
(1 Ld. Raym. 303)

## **SECTION II / Maxims on Oaths, Truth & Certain Knowledge**

Sir Edward Coke & Allied Sources: w/Annotations

**Every oath ought to be founded on certain knowledge.**

4 Co. Inst. 279

**CERTAIN.** Ascertained; precise; identified; definitive; clearly known; unambiguous; or, in law, capable of being identified or made known, without liability to mistake or ambiguity, from data already given

Black's Law Dictionary (Revised 4th ed.), — Page 285

## **Appellate Division, First Judicial Department Committee on Character & Fitness / Name Change**

Upon admission to practice law in New York State, attorneys are admitted under a **certain name**, which, from time to time they change for reasons such as marriage, divorce or by court order

In order to practice under a name different from the **name** under which you were admitted, you need approval from the Appellate Division Department in which you were admitted, regardless of where you currently live or practice

**You may NOT practice law under a name other than which you were admitted until you obtain a name change approval from the Appellate Division.**

<https://www.nycourts.gov/courts/AD1/Committees&Programs/CFC/index.shtml#NameChange>

**An oath has three companions: truth in the party, justice in the judge, and judgment in the court.**

Sacramentum habet in se tres comites — 3 Co. Inst. 160.

**“There are three conceptions as to what constitutes ‘truth’:**

- (1) Agreement of thought and reality;**
- (2) Eventual verification; and**
- (3) Consistency of thought with itself.**

Memphis Telephone Co. v. Cumberland Telephone & Telegraph Co., 231 F. 835, 842.” Black’s Law Dictionary, Revised 4th ed. —Pages 1679

### **The Three Essential Elements of Constructive Fraud**

- 1. Constructive fraud consists in any act of commission or omission contrary to legal or equitable duty, trust, or confidence justly reposed, which is contrary to good conscience and operates to the injury of another.**
- 2. Or, as otherwise defined, it is an act, statement or omission which operates as a virtual fraud on an individual, or which, if generally permitted, would be prejudicial to the public welfare, and yet may have**

been unconnected with any selfish or evil design.

3. Or, according to Story, constructive frauds are such acts or contracts as, though not originating in any actual evil design or contrivance to perpetrate a positive fraud or injury upon other persons, are yet, by their tendency to deceive or mislead other persons, or to violate private or public confidence, or to impair or injure the public interests, deemed equally reprehensible with actual fraud.

1 Story, Eq. Jur. § 258. Code Ga. 1882, § 3173 (Civ. Code 1910, § 4622) ; People v. Kelly, 35 Barb., N.Y., 457; Jackson v. Jackson, 47 Ga. 99; Massachusetts Ben. L. Ass'n v. Robinson, 104 Ga. 256, 30 S.B. 918, 42 L.R. <sup>^</sup>A. 261; Allen v. United States Fidelity & Guaranty Co., 269 Ill. 234, 109 N.E. 1035, 1038. Black's Law Dictionary (Revised 4th ed.), — Page 789

## **COLORABLE — Black-Letter Definition and Legal Effect**

**COLORABLE.** That which has or gives color; that which is in appearance only, and not in reality what it purports to be; counterfeit, feigned, having the appearance of truth.

(Ellis v. Jones, 73 Colo. 516, 216 P. 257, 258; Black's Law Dictionary, 4th ed., p. 332)

### **Colorable Cause or Invocation of Jurisdiction**

*Color alone may suffice to invoke process, though substance may be lacking.*

A “colorable cause or invocation of jurisdiction” exists where a person, apparently qualified, appears before a justice and makes a complaint under oath and in writing, stating facts which, in appearance, constitute or resemble an offense.

## **Colorable Transaction**

A transaction presenting an appearance not corresponding with reality, ordinarily intended to conceal or deceive.

(Osborn v. Osborn, 102 Kan. 890, 172 P. 23, 24)

**Equitable note:** Colorable authority exists only so long as one stays within the lines drawn by law and illuminated by conscience.

## **QUO WARRANTO – Established Elements (Common Law)**

### **1. Existence of an Office or Public Franchise**

A public office is a public franchise of the sovereign.

### **2. Unlawful Acquisition or Failure of Lawful Vesting**

Usurpation may occur without force and without corrupt intent.  
“black-letter”

### **3. Unauthorized Assumption or Exercise of Authority**

The individual nevertheless assumed, exercised, or continued to exercise the powers, duties, or emoluments of the office under claim of right.

Where lawful vesting is absent, continued exercise of authority constitutes usurpation, regardless of public acquiescence or color of title.

**VERILY.** In very truth; beyond doubt or question; in fact; certainly; truly; confidently; really.

Black's Law Dictionary (Revised 4th ed.), — Page 1733

**To swear is to call God to witness the truth.**

Jurare est Deum in testem vocare — 3 Co. Inst. 166.

**OATH 1.** A solemn declaration, accompanied by a swearing to God or a revered person or thing, that one's statement is true or that one will be bound to a promise. • The person making the oath implicitly invites punishment if the statement is untrue or the promise is broken. The legal effect of an oath is to subject the person to penalties for perjury if the testimony is false.

Black's Law Dictionary (8th ed. 2004) —Page 3398

**Oath (*Juramentum*)** is a calling Almighty God to witness that the Testimony is true; therefore it is aptly termed Sacramentum, a Holy Band, a Sacred Tye, or Godly Vow. And it is called a Corporal Oath, because the party when he swears, toucheth with his right hand the Holy Evangelists or Book of the New Testament.

Coke 3 Part. Inst. cap. 74. *See the several Oaths of many of the Officers of this Kingdom in the Book of Oaths lately printed.*

**Reason is the soul of the law;  
when reason ceases, the law itself ceases.**

Cessante ratione legis cessat et ipsa lex — 4 Co. Inst. 38.

**REASON.** A faculty of the mind by which it distinguishes truth from falsehood, good from evil, and which enables the possessor to deduce inferences from facts or from propositions. Webster.

**FRAUD, in the sense of a court of equity**, properly includes all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust, or confidence justly reposed, and are injurious to another, or by which an undue and unconscientious advantage is taken of another.

1 Story, Eq. Jur. § 187; Howard v. West Jersey & S. S. R. Co., 102 N.J.Eq. 517, 141 A. 755, 757. —Black's Law Dictionary, Revised 4th ed. Page 789

**"Nothing that is against reason is lawful."**

NIHIL QUOD EST CONTRA RATIONEM EST LICITUM.  
Co.Litt. 97b Black's Law Dictionary (Revised 4th ed.), — Page 1196

**Truth, by whomsoever pronounced, is from God.**

VERITAS, A QUOCUNQUE DICITUR, A DEO EST. 4 CO. INST. 153  
(Sir Edward Coke).

This maxim supplies the epistemic rule of equity: courts are bound to truth itself, not to the status of the speaker—a principle that undergirds clean hands, oath validity, and governmental accountability.

**CHISHOLM v. GEORGIA** 2 U.S. (2 Dall.) 419, 471–472 (1793).

"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."

John Jay. 1st Chief Justice, of the Supreme Court of the United States States

“Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.”

Justice Brandeis, dissenting,

Olmstead v. United States, 277 U.S. 438, 485 (1928)

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Never interfere with an enemy in the process of destroying himself.

~ Napoleon Bonaparte

AZ QUOTES

These people are stupid.  
Enjoy the show!

Q

**No man is bound to accuse himself.**  
**(Nemo tenetur seipsum accusare)**

**The 5th Amendment** right against self-incrimination, and the guarantee of due process before being deprived of life, liberty, or property. It was ratified in 1791 as part of the Bill of Rights

**The oath of allegiance is the most solemn contract between government and subject; perjury added to breach is among the greatest crimes.** (Respublica v. Sweers, 1 U.S. 41, 1779)

**Fraud vitiates the most solemn transactions & affords a ground for equitable relief even against judgments obtained by it.**

Boyce v. Grundy, 28 U.S. (3 Pet.) 210 (1830) (Story, J.).

### **Section III / Roman & General Law Foundations**

**Law of nations... what natural reason has established among all men.**

Jus Gentium — (Digest 1.1.1)

**The United States standeth in the Law of Nations by the Declaration of Independence**

“When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, & to assume among the powers of the earth, the separate & equal station to which the Laws of Nature and of Nature’s God entitle them...”

**“Nothing that is against reason is lawful.”**

Sir Edward Coke

**“Law, without reason, is mere will.”**

William Blackstone,  
Commentaries on the Laws of England, Book I

**Ignorance of the law excuses no one.**

Ignorantia legis neminem excusat

Public officials and judges are presumed to know the law and are sworn to uphold it. They may not plead ignorance or good faith to excuse the willful deprivation of legal or statutory rights. *Maine v. Thiboutot*, 448 U.S. 1 (1980); *Hafer v. Melo*, 502 U.S. 21 (1991)

**Status is a quality by which a person differs from  
others or from his goods**

Status est qualitas . (Digest 1.5.1)

**“No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.** *United States v. Lee*, 106 U.S. at 220–221.

Note: Confederate General Lee's title to Arlington, was claimed by United States via an estate tax, later to be held to be void by SCOTUS.

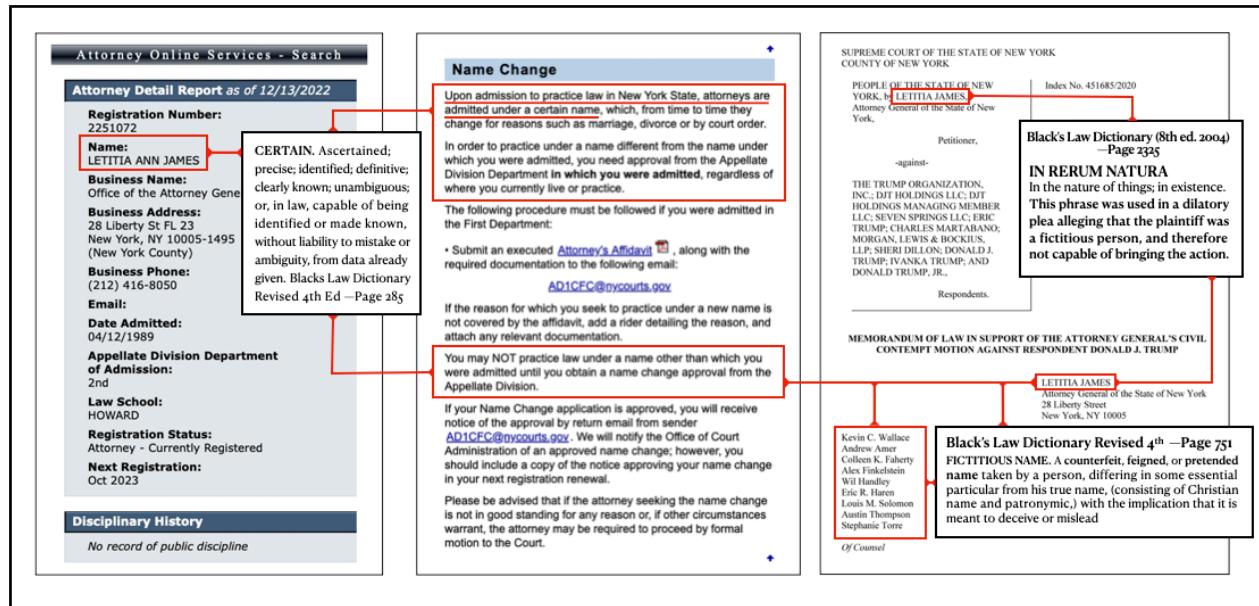
**“No man in this country is so high that he is above the law.”** Was invoked repeatedly by “Letitia James,” de facto Attorney General of the State of New York, in public statements and pleadings in *People of the State of New York v. Trump*. — “One of the biggest private landowners still alive in New York.”

## Section IV: Equity Maxims

Annotated for Letitia Ann James  
By David "theGiantKiller"

**He who comes into equity must come with clean hands.**

**IN RERUM NATURA.** In the nature of things; in the realm of actuality; in existence. In a dilatory plea, an allegation that the plaintiff is not in rerum natura is equivalent to averring that the person named is fictitious. —3 Bl.Comm. 301.



Black's Law Dictionary (Revised 4 ed.)

—Page 1071

**LICENTIOUSNESS.** The indulgence of the arbitrary will of the individual, without regard to ethics or law, or respect for the rights of others.

**In this it differs from "liberty;" for the latter term may properly be used only of the exercise of the will in its moral freedom, with justice to all men and obedience to the laws,** Welch v. Durand, 36 Conn. 184, 4 Am.

Rep. 55; State v. Brigman, 94 N.C. 889; liberty is restrained by natural or positive law, and consists in doing whatever we please not inconsistent with the rights of others, whereas licentiousness does not respect those rights. Wolff, Inst. § 84. Also, lewdness or lasciviousness.

**“The liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.”**

— New York State Constitution, Art. I, § 3  
Const. 1777, Art. XXXVIII; carried forward through 1821, 1846

### **He who seeks equity must do equity.**

Respublica v. Sweers, 1 U.S. (1 Dall.) 41, 43 (Pa. 1779)

“The oath of allegiance is the most solemn contract that can be entered into between the government and the subject; and perjury added to the breach of it, is of all crimes the most enormous that can be committed against society.”

Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery Co.

“He who comes into equity must come with clean hands... The doctrine closes the doors of a court of equity to one tainted with inequitableness or bad faith relative to the matter in which he seeks relief.”

### **No right of action arises from a fraud.**

(Ex dolo malo non oritur actio)

### **Equity follows the law**

(Aequitas sequitur legem)

**NYS Penal Code SECTION 175.35**  
**Offering a false instrument for filing in the first degree.**

**A person is guilty of offering a false instrument for filing in the first degree when:**

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation

**Where there is a right, there is a remedy**  
**(Ubi jus ibi remedium)**

Executive Law Section 63. General duties. The attorney-general shall: § 12 ...The word “**fraud**” or “**fraudulent**” as used herein shall include any device, scheme or artifice to defraud and **any deception, misrepresentation, concealment, suppression, false pretense, false promise or unconscionable contractual provisions**. The term “**persistent fraud**” or “**illegality**” as used herein shall include continuance or carrying on of **any fraudulent or illegal act or conduct**. The term “**repeated**” as used herein shall include repetition of any separate and distinct fraudulent or illegal act, or conduct which affects more than one person.

## Section V: Oracles of the Common Law

### Oath Ceremony & Enrollment Importance

- **Sir Edward Coke** — Inner Temple: Admitted 1572, called to Bar 1578. Bench call & oath as reader 1592. Records perpetual (4 Co. Inst. 279: “*courts of record speak perpetually*”).

**Sir Edward Coke stands as authority not by reputation alone, but by recorded acts of law and state.** He was duly admitted and called to the Bar at the Inner Temple, thereby enrolled as an officer within the courts of record; he thereafter served in the highest legal offices of the realm, including Attorney General and Chief Justice, each office animated by oath and evidenced in the rolls and proceedings of the courts. These were not honorary roles but fiduciary offices, exercised under the common law and preserved in the perpetual record that courts of record "speak forever."

**Coke's knighthood—the sovereign act by which he became Sir Edward Coke—was itself a juridical act of the Crown, creating a change of legal status that was public, formal, and recorded in the state's rolls and chronicles.** From that point forward, his style and authority as "Sir" appear consistently across judicial opinions, parliamentary records, and legal treatises, confirming recognition of the act in law. Importantly, Coke died bearing that title; it was never revoked, forfeited, or disclaimed. Thus, his authority rests on a stacked chain of record: admission and oath → office and service → elevation by the sovereign, all preserved in the record. When Coke speaks of oaths, offices, and reason at common law, he

**speaks from within jurisdiction, as a sworn and recorded officer whose status endured to his death.**

**Sir William Blackstone** — Middle Temple: Admitted Nov 20, 1741; called Jun 28, 1746. Sworn barrister status confirmed in Commentaries preface.

- **Sir Henry Spelman** — Gray's Inn: Admitted ~1588. Authority scholastic (Glossarium Archaiologicum: "nomen proprium" as essential identifier).
- **Key Point:** All enrolled in full Christian + surname (no initials). Admission/call = judicial acts binding them to oath system. Ceremony was solemn — akin to knighthood in gravity (divine witness, corporal act). Their maxims carry weight because spoken from inside the sworn system.